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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
DOCKET NO. 04-10368 ~~MBB~~ MBB

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2004 SEP -8 P 1:21

U.S. DISTRICT COURT
DISTRICT OF MASS

BLACKSMITH INVESTMENTS, LLC.)
Plaintiff,)
v.)
OCEAN STEEL CONSTRUCTION, LTD.,)
STRESSCON, LTD. AND)
YORK STEEL, LTD.)
Defendants,)

FEDERAL RULE OF CIVIL PROCEDURE 16(b) SCHEDULING
CONFERENCE MEMORANDUM AND LOCAL RULE 16.1

Local Rule 16.1

I. Agenda of matters to be discussed:

By Plaintiff:

Breach of Contract of Ocean Steel, Ltd., et al
Misrepresentation of Ocean Steel, Ltd., et al
Deceit by Ocean Steel, Ltd., et al
Consumer Protection Statute, M.G.L. Ch. 93A as to
Ocean Steel

By Defendant:

Breach of Contract of Boston Steel. Completion costs
exceed contract balances due Boston Steel for Harvard
University project.

II. Proposed pretrial schedule:

Discovery one hundred-twenty days, interrogatories and
production of documents. Depositions contingent upon
discovery or forty-five days after discovery
completed.
Motions completed forty-five days after one hundred
twenty days following discovery, plus additional
forty-five days after depositions completed.

III. Trial by Magistrate:

Plaintiff prefers bench trial or senior U.S. District
Court retired justice mediator.
Defendants consent to trial by magistrate judge.

(C) Settlement Proposals:

Counsel for plaintiff has suggested settlement based
upon an accounting with supporting documentation.
Documentation is required to establish whether the
Ocean Steel claimed charges are applicable as
offsetting completion costs, are within the original
contract scope of work. Whether written modifications
and revisions, authorized field orders, and the like
comprise offsets or constitute extras to the owner and

defendants. And whether extra performed by Boston Steel have been added to the Contract of Boston Steel.

There appears to be interest in discussion and providing back-up documentation to an accounting previously furnished by defendant to accomplish settlement initiatives.

(D) Proposed Pretrial Schedule:

While only Plaintiff has requested informal discovery, at this time. Those documents have not been produced as of this date. Plaintiff's interrogatories will be limited and filed after receipt of Defendants response to document requests.

Plaintiff seeks documentation of alleged offsetting defendant costs.

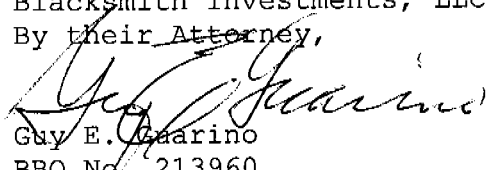
- (1) Plaintiff and Defendant request one hundred-twenty (120) days to complete discovery.

- (2) Proposed Schedule for filing motions:

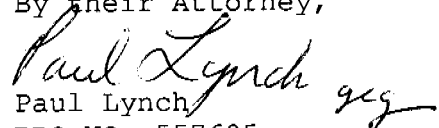
Plaintiff and defendant propose motions be filed within 45 days after completion of discovery and depositions.

- (3) Counsel for Plaintiff and defendant have conferred with their clients as to maximum fees in the event of a full trial for the purpose of establishing a budget for costs.

Blacksmith Investments, LLC.
By their Attorney,


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Ocean Steel Construction, Ltd.,
Stresscon, Ltd.,
York Steel, Ltd.
By their Attorney,


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Dated: September 7, 2004